

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**M. STREET INVESTMENTS, INC.**

**PLAINTIFF**

**v.**

**No. 5:13cv47-DCB-MTP**

**ZURICH AMERICAN INS. CO., ET AL.**

**DEFENDANTS**

**consolidated with**

**GARY WILBORN**

**PLAINTIFF**

**v.**

**No. 5:13cv51-DCB-MTP**

**ZURICH AMERICAN INS. CO.**

**DEFENDANT**

**ORDER CONSOLIDATING CASES**

THESE MATTERS are before the court on the Unopposed Motions [7] [8] to Consolidate Cases filed by Defendant Zurich American Insurance Company. Having considered the motions and the applicable law, the court finds that the motions should be granted.

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the court may consolidate actions involving common questions of law or fact, especially when doing so will avoid unnecessary costs or delay or will eliminate unnecessary repetition or confusion. *Miller v. U.S. Postal Serv.*, 729 F.2d 1033, 1036 (5th Cir. 1984); *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761-62 (5th Cir. 1989). “Consolidation does not so completely merge the two cases as to deprive a party of any substantial rights that he may have had if the actions had proceeded separately, for the two suits retain their separate identities and each requires the entry of a separate judgment.” *Miller*, 729 F.2d at 1036.

These matters involve common questions of law and fact and the court finds that consolidation of these cases will serve to reduce the costs and expenses of the parties. Moreover,

no party opposes the consolidation of these matters. *See* Joinder [21]; Response [22]; Joinder [11]. Accordingly, the motions should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED:

1. That the Unopposed Motions [7][8] to Consolidate Cases filed by Defendant Zurich American Insurance Company are GRANTED.
2. These matters are hereby consolidated for all purposes, including trial. All future pleadings and filings shall be filed only in Cause No. 5:13cv47-DCB-MTP.<sup>1</sup>

SO ORDERED this the 3rd day of June, 2013.

s/ Michael T. Parker

United States Magistrate Judge

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<sup>1</sup>*See* L.U.Civ.R. 42.